THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.23632 of 2005

DATED: 07-11-2005

Between:

Tungala Veeraraghavulu and two others …Petitioners

And

The District Election Officer – District Collector,

Guntur District and five others …Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.23632 of 2005

ORDER:

Petitioner seeks to issue a writ of Mandamus declaring the action of the Election Officer, Siripuram PACS Ltd., Kollipara Revenue Mandal, Guntur District in declaring the 4th respondent-B. Sambasiva Rao as newly elected president of the Primary Agricultural Cooperative Society, Kollipara, and 6th respondent-Desi Baina Punnaiah as newly elected vice President as illegal, arbitrary and set aside their election on the ground that the elections to the Ward have not been conducted for which the third petitioner alone is entitled to contest and being declared as elected.

It is stated that Siripuram Primary Agricultural Cooperative Society has got five villages in its area and there are 993 members and the said society was divided into 13 wards. The elections were notified for 12 wards but no elections were notified for the 13th ward. It is stated that the Election Officer committed several irregularities in

conducting the elections to the management committee on the date of poling i.e. 26-10-2005, such as certain voters were removed from their voters list and some were included and some were shifted from one ward to another ward. It is further stated that if the elections were held to the 13th ward, the 3rd petitioner would have been declared as elected as he being the only reserved Schedule Tribe candidate for the said 13th ward. It is stated that the rule of reservation was also not implemented and therefore the elections conducted are contrary to the rules and procedure.

I am of the opinion that no relief can be granted to the petitioners, inasmuch as Section 61(3) of the A.P. Cooperative Societies Act (for short 'the Act') discloses that every dispute relating to or in connection with, any election to a committee of its society shall be referred for decision to the Tribunal having jurisdiction over the place where the main office of the society is situated and the decision there on shall be final. As per Section 61(4) of the Act, every dispute relating to, or in connection with any election shall be referred under Section 61(3) only after the date of declaration of results of such elections. Now, the results have already been declared, and the only process available to the petitioner is to file an appeal under Section 61(3) of the Act.

In view of the above directions, I feel that the disputes in question cannot be adjudicated by invoking the extraordinary jurisdiction of this court under Article 226 of the Constitution of India. Therefore, I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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V. ESWARAIAH, J.

Dated: 07-11-2005

Note:

Issue C.C. within one week.

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